**FARAD CONTINUATION SHEET.**
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION.**

WRIT PETITION No.6509 OF 2004.

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| Office Notes,Office Memorandum of Coram apperance,Court's Orders & Directions and Registrar's Order. | : Court or Judge's Order. |

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Mr. Amit Borkar,Advocate
for the Petitioner.
Mr. G.S. Hiranandani h\f C.G.
Gavnikar Advocate for the Respondent.

**CORAM:R.M.S.KHANDEPARKAR,J.**

**DATED:24TH NOVEMBER, 2006.**

1. Heard.

2. The petitioner challenges the concurrent findings arrived at by the Courts below regarding bona-fide need of the suit premises for the business of the respondent. The Courts below have held that on account of non-availability of the premises in question to the respondents land lord, they are forced to sell their business items by sitting in front of the suit premises and their need of the suit premises being genuine and bona-fide, the

contention which was sought to be raised about the absence of any experience to conduct the business and the claim regarding the need of the premises being not bona-fide, has been dealt with by the Courts below. Taking into consideration, the entire evidence on record and the findings arrived at by the Courts below that the respondents are already in the business and the circumstances which they have placed, they have made out bona-fide need of the suit premises for their business. The findings clearly borne out from the record and do not warrant any interference in writ jurisdiction under Article 227 of the Constitution. The learned Advocate appearing for the Petitioner has not been able to point out any finding which could be said to be contrary to the materials on record or perverse. In the circumstances, there is no case for interference and hence the petition is rejected.

3. At the oral request of the learned Advocate for the petitioner time to vacate the premises is extended till 31st March, 2007 subject to the petitioner and all his major family members to file undertaking within four weeks from today that they shall not induct third party in the suit premises nor shall create any third party interest in the suit premises and shall deliver peaceful vacant possession thereof to the respondents on or before 31st March, 2007. The petition is accordingly stands disposed of.

**[R.M.S.KHANDEPARKAR,J.]**